

**IN THE UNITED STATES DISTRICT COURT FOR
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

HUNTINGTON DIVISION

DIANA M.,

Plaintiff,

v.

CIVIL ACTION NO. 3:24-0648

FRANK BISIGNANO,
Commissioner of Social Security,¹

Defendant.

MEMORANDUM OPINION AND ORDER

This action was referred to the Honorable Omar J. Aboulhosn, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted Findings of Fact and recommended that this Court deny Plaintiff's request for remand (ECF No. 12), grant the Commissioner's request to affirm the final decision (ECF No. 13), affirm the final decision of the Commissioner, and dismiss this matter from the docket of this Court. No objections to the Magistrate Judge's findings and recommendation have been filed.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **DENIES** Plaintiff's request for remand (ECF No. 12), **GRANTS** the Commissioner's request to affirm the final decision (ECF No. 13), **AFFIRMS** the final decision

¹ Frank Bisignano became the Commissioner of Social Security on May 7, 2025, and is automatically substituted as a party pursuant to Fed. R. Civ. P. 25(d). *See also* Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g) (stating action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

of the Commissioner, and **DISMISSES** this matter from the docket of this Court, consistent with the findings and recommendation.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: May 21, 2025

A handwritten signature in black ink, appearing to read 'Robert C. Chambers', is written over a horizontal line.

ROBERT C. CHAMBERS
UNITED STATES DISTRICT JUDGE